

No. 06-111

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**In the Supreme Court of the United States**

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WILLIAM A. ELLIS, PETITIONER

*v.*

UNITED STATES OF AMERICA

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*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT*

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**MEMORANDUM FOR THE UNITED STATES  
IN OPPOSITION**

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PAUL D. CLEMENT  
*Solicitor General  
Counsel of Record  
Department of Justice  
Washington, D.C. 20530-0001  
(202) 514-2217*

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Petitioner contends that, on review pursuant to *United States v. Booker*, 543 U.S. 220 (2005), a federal court of appeals should not treat a sentence within the advisory Sentencing Guidelines range as presumptively reasonable. A number of petitions for a writ of certiorari have recently been filed challenging the application of a presumption that sentences within a properly calculated advisory Guidelines range are reasonable on appellate review. As the government has explained in briefs in opposition to those petitions, according a Guidelines sentence a presumption of reasonableness is consistent with *Booker* and with the Sentencing Reform Act of 1984, 18 U.S.C. 3551 *et seq.*, and does not make the Guidelines effectively mandatory; it is not clear that reasonableness review is materially different in circuits that have adopted the presumption than in those that

have not; and petitions raising presumption-of-reasonableness challenges need not be held pending the disposition of *Cunningham v. California*, No. 05-6551, cert. granted (Feb. 21, 2006). See, *e.g.*, Gov't Br. in Opp. at 7-15, *Guzman-Balbuena v. United States*, No. 05-10634, 2006 WL 2089475 (filed June 29, 2006); Gov't Br. in Opp. at 13-21, *Artis v. United States*, No. 05-10431, 2006 WL 1733084 (filed June 19, 2006). Accordingly, for the reasons set out in the briefs in opposition to those petitions, the petition for a writ of certiorari should be denied.\*

PAUL D. CLEMENT  
*Solicitor General*

AUGUST 2006

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\* The government waives any further response to the petition unless this Court requests otherwise.